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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,318	08/05/2003	Mark A. Wolfe	324	7863

29757 7590 03/23/2006

MARK A. WOLFE
1076 TAMBERWOOD COURT
WOODBURY, MN 55125

EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,318

Applicant(s)

WOLFE, MARK A.

Examiner

LINH BLACK

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 24-53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8&9/03, 12/19/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to the document dated 8/05/2003. Claims 24-53 are pending in the application. Claims 24, 27-28, 42-43, and 47 are independent claims.

Information Disclosure Statement

The information disclosure statement filed December 8, 2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Many articles listed from the bottom of page 4 to page 9 create a burden for the Examiner to search for them all. Legible copies of these documents must be provided in order to be considered.

Specification

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material

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incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f). Applicant is advised to amend the "INCORPORATE BY REFERENCE" section on pages 46-47 into the "CROSS REFERENCE TO RELATED APPLICATIONS" on page 1 of the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Angles et al. (US 5933811).

As per claim 24, Angles et al. teach:

a client computer operated by a user and in communication with the network, where the client computer is programmed to carry out the operations of monitoring input from the user operating the client computer – fig. 1, items 12, 20, 14, 18; col. 3, lines 15-53.

retrieving a plurality of web pages over the network at the direction of the user where the plurality of web pages are retrieved over the network and displayed in a web browser window on a display screen associated with the client computer, and where the web browser window is associated with a web browser application that is operated by the user – col. 4, lines 5-47; col. 12, lines 36-60.

retrieving a first web page over the network from a first web server at the direction of the user where the first web server is operated by a first entity; displaying the first web page in the web browser window on the display screen associated with the client computer and automatically communicating browsing activity information over the network where the browsing activity information includes information indicating that a web page from the first web server has been displayed at the client computer – col. 2, line 59 to col. 3, line 5; col. 8, lines 62-67; col. 11, lines 50-65.

an apparatus for transferring information over the network, where the apparatus is configured to carry out the operations of waiting for a request over the network for a web page – col. 2, line 59 to col. 3, line 53; col. 21, lines 29-32.

receiving over the network a request from the client computer for a web page, where the request is sent by the client computer at the direction of the user after the client computer has completed the operation of displaying the first web page in the web browser windows – col. 2, line 45 to col. 3, line 65; col. 7, line 60 to col. 8, line 67.

accessing the browsing activity information communicated over the network by the client computer, where the browsing activity information is accessible to the apparatus without requiring any authority action or assistance from the first entity or the first web server – col. 11, line 50 to col. 12, line 60.

responding to the request from the client computer by transferring a responsive web page from the apparatus over the network to the client computer, where the responsive web page is personalized for the user based on the browsing activity information – col. 3, lines 5-65; col. 8, lines 9-67; col. 15, lines 19-31.

As per claim 25, Angles et al. teach:

displaying the responsive web page in the web browser window, where the responsive web page includes an advertisement from a marketplace competitor of the first entity, and where the advertisement is selected for the responsive web page by the apparatus based on the browsing activity information – col. 7, line 61 to col. 8, line 67; col. 12, lines 51-60; col. 15, lines 20-42.

As per claim 26, Angles et al. teach:

where the operation of automatically communicating browsing activity information is performed by a program that operates in conjunction with the web browser application and where the program that operates in conjunction with the web browser application is downloaded over the network, tested for authenticity using a code signing procedure

and stored on the client computer using a persistent storage mechanism – col. 22, line 58 to col. 23, line 55, especially, lines 14-15.

As per claim 27, Angles et al. teach:

monitoring input from the user operating the client computer – fig. 1, items 12, 20, 14, 18; col. 3, lines 15-53.

retrieving a plurality of web pages over the network at the direction of the user where the plurality of web pages are retrieved over the network and displayed in a web browser window on a display screen associated with the client computer, and where the web browser window is associated with a web browser application that is operated by the user – col. 4, lines 5-47; col. 12, lines 36-60.

retrieving a first web page over the network from a first web server at the direction of the user where the first web server is operated by a first entity; displaying the first web page in the web browser window on the display screen associated with the client computer and automatically communicating browsing activity information over the network where the browsing activity information includes information indicating that a web page from the first web server has been displayed at the client computer – col. 2, line 59 to col. 3, line 5; col. 8, lines 62-67; col. 11, lines 50-65.

storing browsing activity data where the browsing activity data includes information indicating that a web page from the first web server has been displayed at the computer – col. 3, lines 5-17.

after the computer has completed the operation of displaying the first web page in the web browser window and while a web page is displayed in the web browser window detecting that the user has selected a display element displayed in the web browser window where the display element acts as a link to a second web server – col. 4, lines 5-16; col. 7, line 60 to col. 8, line 67.

sending a request for a web page over the network to the second web sender, where the second web server has access to the browsing activity data but is operated by an entity that is not related to the first entity and where the second web server is able to access the browsing activity data without any assistance from the first entity or the first web server – col. 12, lines 13-60; col. 15, lines 43-55.

receiving a web page from the second web server where the web page from the second web server includes an advertisement tailored to the user's interests based on the browsing activity data – col. 2, line 45 to col. 3, line 65; fig. 9, item 30; col. 8, lines 8-67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (US 5933811), and further in view of DeLorme et al. (US 5948040).

As per claim 28, Angles et al. teach

monitoring input from the user operating the client computer – fig. 1, items 12, 20, 14, 18; col. 3, lines 15-53.

retrieving a plurality of web pages over the network at the direction of the user where the plurality of web pages are retrieved over the network and displayed in a web browser window on a display screen associated with the client computer, and where the web browser window is associated with a web browser application that is operated by the user – col. 4, lines 5-47; col. 12, lines 36-60.

retrieving a first web page over the network from a first web server at the direction of the user where the first web server is operated by a first entity; displaying the first web page in the web browser window on the display screen associated with the client computer – col. 2, line 59 to col. 3, line 5; col. 8, lines 62-67; col. 11, lines 50-65.

upon monitoring ..., automatically identifying a first advertising message to communicate to the user – col. 2, line 45 to col. 3, line 17; col. 8, lines 8-67.

communicating the first advertising message to the user... visible to the user – col. 2, line 59 to col. 3, line 17.

where the first advertising message ...competitors – col. 4, lines 5-47; col. 7, line 60 to col. 8, line 67. However, Angles et al. do not explicitly disclose where the first advertising message is independent of the first web page and is not part of the first web page as published by the first entity. DeLome et al. teach advertising message can be displayed from different windows aside from the displayed web page – col. 18, lines 25-57; col. 19, line 31 to col. 20, line 34; col. 21, lines 7-57. Thus, it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching with DeLome et al.'s teaching to better display advertisements to users.

As per claim 29, Angles et al. teach monitoring the user's interaction with the first advertising message; determining that the user has selected the first message; in response to determining that the user has selected the first advertising message, displaying a web page associated with the competitive entity enabling the user to purchase goods or services from the competitive entity – col. 4, lines 5-17; col. 7, line 60 to col. 8, line 67; col. 16, lines 26-44.

As per claim 30, DeLome et al. further improve Angles et al.'s teaching of displaying a web page associated with the competitive entity in the advertisement area on the display screen – fig. 5D; col. 50, lines 27-67. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching with DeLome et al.'s teaching to effectively display advertisements to users at the advertisement area.

As per claim 31, DeLome et al. further improve Angles et al.'s teaching of displaying a web page associated with the competitive entity in a new window on the display screen – fig. 1b; col. 18, line 40 to col. 19, line 58. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching

with DeLome et al.'s teaching to better allow advertisements to be displayed several/ different windows than the browser's window.

As per claim 32, Angles et al. teach upon monitoring the display of the first web page, automatically identifying a second advertising message to communicate to the user - col. 2, line 45 to col. 3, line 17. communicating the second advertising message to the user; and where the second advertising message includes information that a second competitive entity wishes to communicate to users viewing web pages published by any of a plurality of market place competitors of the second competitive entity, and where the first entity and the second competitive entity are marketplace competitors – col. 8, line 8-67. However, Angles et al. do not explicitly disclose where the second advertising message is independent of the first web page and is not part of the first web page as published by the first entity. DeLome et al. teach advertising message can be displayed from different windows aside from the displayed web page – col. 18, lines 25-57; col. 19, line 31 to col. 20, line 34; col. 21, lines 7-57. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching with DeLome et al.'s teaching to better display advertisements to users.

As per claim 33, Angles et al. teach where the first advertising message and the second advertising message are communicated to the user one at a time – col. 3, line 40 to col. 4, line 17.

As per claim 34, Angles et al. teach second web page, second web server of the second entity or service provider and determining a second advertisement to display to the user – col. 12, lines 35-60; col. 19, line 22 to col. 20, line 63 (If the consumer desires to obtain more information about a good or service appearing in a customized advertisement, the consumer selects the customized advertisement and proceed to state 718. Thus, if the consumer does not select the select the customized advertisement, no further ad message will be displayed to the user). However, Angles et al. do not explicitly disclose the second advertising message is independent of the first web page and is not part of the first web page as published by the first entity. DeLome et al. teach advertising message can be displayed from different windows aside from the displayed web page – col. 18, lines 25-57; col. 19, line 31 to col. 20, line 34; col. 21, lines 7-57. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching with DeLome et al.'s teaching to better manage and display advertisements to users.

As per claim 35, DeLome et al. further improve Angles et al.'s teaching of placing the first ad message in a new window that is separate from the web browser window - fig. 1b; col. 18, line 40 to col. 19, line 58. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching with DeLome et al.'s teaching to better allow advertisements to be displayed several/ different windows than the browser's window.

As per claim 36, Angles et al. teach displaying the first ad message within the web browser window – col. 2, lines 45-62; col. 11, line 50 to col. 12, line 60.

As per claim 37, Angles et al. teach retrieve the first web page and storing the first web page in a local storage – col. 4, lines 5-47; col. 12, lines 36-60; col. 8, lines 44-55; col. 23, lines 35-55.

As per claim 38, Angles et al. do not each teach allow the first ad message to be displayed while displaying a second web page. DeLome et al. teach allow the first ad message to be displayed while displaying a second web page – figs. 1B1-3; col. 20, line 63 to col. 22, line 37. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching with DeLome et al.'s teaching to allow users efficiently read the displayed ad while accessing for further information/retrieve a different web page.

As per claim 39, Angles et al. teach network devices – fig. 2, items 18, 14s, 34; sending request to the second network device and receive information to be included in the ad message – col. 3, lines 5-65; col. 8, lines 8-55.

As per claims 40-41, Angles et al. teach retrieving the first ad message over the network from the local storage before the web page is displayed on the screen – col. 5, lines 27-

37; col. 8, lines 55-61; monitoring the display of web pages for the purpose of target advertisements – col. 16, lines 26-44; col. 20, lines 45-67.

Claims 42-46 claim the same subject matter as of claims 1-41, and are rejected based on the same ground of rejection as of claims 1-41.

Claims 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (US 5933811), DeLorme et al. (US 5948040), and further in view of Roberts et al. (US 6295551).

As per claim 47, Angles et al. teach monitoring input from the user operating the client computer – fig. 1, items 12, 20, 14, 18; col. 3, lines 15-53.

retrieving a plurality of web pages over the network at the direction of the user where the plurality of web pages are retrieved over the network and displayed in a web browser window on a display screen associated with the client computer, and where the web browser window is associated with a web browser application that is operated by the user – col. 4, lines 5-47; col. 12, lines 36-60.

retrieving a first web page over the network from a first web server at the direction of the user where the first web server is operated by a first entity; displaying the first web page in the web browser window on the display screen associated with the client computer – col. 2, line 59 to col. 3, line 5; col. 8, lines 62-67; col. 11, lines 50-65.

retrieving a first web page over the network from a first web server at the direction of the user; displaying the first web page in the web browser window on the display screen associated with the client computer – col. 2, line 59 to col. 3, line 5; col. 8, lines 62-67; col. 11, lines 50-65.

upon monitoring ..., automatically identifying a first advertising message to communicate to the user – col. 2, line 45 to col. 3, line 17; col. 8, lines 8-67.

where the first advertising message ...competitors – col. 4, lines 5-47; col. 7, line 60 to col. 8, line 67. However, Angles et al. do not explicitly disclose an advertisement area. DeLome et al. teach advertising message can be displayed from different windows aside from the displayed web page – col. 18, lines 25-57; col. 19, line 31 to col. 20, line 34; col. 21, lines 7-57; an advertisement area on the display – fig. 5B. Angles et al. and DeLome et al. do not disclose a supplemental information server. Roberts et al. teach user computer, network, and server – fig. 5; supplemental information server – col. 5, lines 37-51; col. 15, line 60 to col. 16, line 9. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching, DeLome et al.'s teaching with Roberts et al.'s teaching to efficiently display advertisements to users and also faster.

As per claims 48-49, Angles et al. teach

retrieving information over network... – col. 4, lines 5-47; col. 12, lines 36-60.

monitoring the user's interaction with the first advertising message; determining that the user has selected the first message; in response to determining that the user has

selected the first advertising message, displaying a web page associated with the competitive entity enabling the user to purchase goods or services from the competitive entity – col. 4, lines 5-17; col. 7, line 60 to col. 8, line 67; col. 16, lines 26-44.

As per claim 50, Angles et al. teach

Angles et al. do not each teach allow the first ad message to be displayed while displaying a second web page. DeLome et al. teach allow the first ad message to be displayed while displaying a second web page – figs. 1B1-3; col. 20, line 63 to col. 22, line 37. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching with DeLome et al.'s teaching to allow users efficiently read the displayed ad while accessing for further information/retrieve a different web page.

As per claim 51, Angles et al. teach

retrieving information over network... – col. 4, lines 5-47; col. 12, lines 36-60.

As per claim 52, Angles et al. and DeLome et al. do not disclose retrieving over the network additional information from the supplemental information server occasionally and introduce a delay... However, Roberts et al. teach periodically polling the server to request a portion of shared data relating to the user view from the server – the abstract; supplemental information server – col. 5, lines 37-51; col. 15, line 60 to col. 16, line 9. Thus, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to combine Angles et al.'s teaching, DeLome et al.'s teaching with Roberts et al.'s teaching to better managing the displaying of advertisement messages to users.

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (US 5933811), DeLorme et al. (US 5948040), Roberts et al. (US 6295551), and further in view of Daughton et al. (US 4475806).

As per claim 53, Angles et al., DeLome et al. and Roberts et al. do not explicitly teach introducing a delay. However, displaying a standby message to users is not novel in the art. Daughton et al. teach standby or "please wait" message is displayed on the screen of a copier – col. 1, lines 45-54. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Angles et al.'s teaching, DeLome et al.'s teaching, Roberts et al.'s teaching, and Daughton et al.'s teaching to better notify users the state of the to be displayed message.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 2163

March 17, 2006


DONWONG
SUPERVISORY PATENT EXAMINER